

### Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (CURRENTLY AMENDED) A Gram-negative bacterium ~~comprising, an~~ comprising an inducible regulatory sequence operatively linked to a nucleotide sequence encoding a levansucrase which are contained within the genome of said Gram-negative bacterium.
2. (ORIGINAL) A Gram-negative bacterium comprising a recombinant nucleotide sequence containing an inducible regulatory sequence other than sacR operatively linked to a nucleotide sequence encoding a levansucrase.
3. (ORIGINAL) The Gram-negative bacterium of claim 1, wherein said nucleotide sequence encoding a levansucrase is a sacB open reading frame.
4. (ORIGINAL) The Gram-negative bacterium of claim 1, wherein said bacterium is a member of the genus *Agrobacterium*.
5. (ORIGINAL) The Gram-negative bacterium of claim 3, wherein said bacterium is *Agrobacterium tumefaciens*.
6. (PREVIOUSLY PRESENTED) The Gram-negative bacterium of claim 1, wherein said regulatory sequence comprises the *E. coli* lactose operon (SEQ. ID. NO. 1).
7. (PREVIOUSLY PRESENTED) The Gram-negative bacterium of claim 1, wherein said regulatory sequence comprises the Pi 2(noc) promoter (SEQ. ID. NO. 2) and noc 1 operon (SEQ. ID. NO. 2).
8. (PREVIOUSLY PRESENTED) The Gram-negative bacterium of claim 1, wherein said regulatory sequence comprises the P<sub>BAD</sub> promoter (SEQ. ID. NO. 5) and araC cis element (SEQ. ID. NO. 4).
9. (WITHDRAWN) A recombinant nucleic acid construct comprising an inducible regulatory sequence other than sacR, operatively linked to a nucleotide sequence encoding a levansucrase.
10. (WITHDRAWN) The recombinant nucleic acid construct of claim 9, wherein said regulatory sequence comprises the *E. coli* lactose operon (SEQ. ID. NO. 1).
11. (WITHDRAWN) The recombinant nucleic acid construct of claim 9, wherein said

- regulatory sequence comprises the Pi2 (noc) promoter (SEQ. ID. NO. 2) and the noc 1 operon (SEQ. ID. NO. 2).
12. (WITHDRAWN) The recombinant nucleic acid construct of claim 9, wherein said regulatory sequence comprises the P<sub>BAD</sub> promoter (SEQ. ID. NO. 5) and the araC cis element (SEQ. ID. NO. 4).
  13. (WITHDRAWN) The recombinant nucleic acid construct of claim 9, wherein said sequence encoding a levansucrase is a sacB open reading frame.
  14. (WITHDRAWN) A method for transforming a plant cell comprising,
    - a) obtaining an *Agrobacterium* whose genome contains an inducible regulatory sequence operatively linked to a nucleotide sequence encoding a levansucrase;
    - b) introducing a DNA construct into a T-DNA element of said *Agrobacterium*; and
    - c) inoculating at least one plant cell with the *Agrobacterium* of (b) for a time sufficient for mobilization of the T-DNA element from the *Agrobacterium* to the plant genome.
  15. (WITHDRAWN) A method for transforming a plant cell comprising,
    - a) obtaining an *Agrobacterium* comprising a first recombinant nucleic acid construct containing an inducible regulatory sequence other than sacR, operatively linked to a nucleotide sequence encoding a levansucrase;
    - b) introducing a second DNA construct into a T-DNA element of said *Agrobacterium*; and
    - c) inoculating at least one plant cell with the *Agrobacterium* of (b) for a time sufficient for mobilization of the T-DNA element from the *Agrobacterium* to the plant genome.
  16. (WITHDRAWN) The method of claim 14, further comprising counter selecting against said bacterium by introducing, in the presence of sucrose, a suitable inducer to cause the production of levansucrase by the bacterium resulting in the lysis of said bacterium.
  17. (WITHDRAWN) The method of claim 14, wherein said regulatory sequence

- comprises the *E. coli* lactose operon (SEQ. ID. NO. 1).
18. (WITHDRAWN) The method of claim 14, wherein said regulatory sequence comprises the pi 2(noc) promoter (SEQ. ID. NO. 2) and noc 1 operon (SEQ. ID. NO. 2).
  19. (WITHDRAWN) The method of claim 14, wherein said regulatory sequence comprises the P<sub>BAD</sub> promoter (SEQ. ID. NO. 5) and the araC cis element (SEQ. ID. NO. 4).
  20. (WITHDRAWN) The method of claim 14, wherein said sequence encoding a levansucrase is a sacB open reading frame.
  21. (WITHDRAWN) A method for counter selecting against a Gram-negative bacterium whose genome contains an inducible regulatory sequence operatively linked to a nucleotide sequence encoding a levansucrase comprising, introducing, in the presence of sucrose, a suitable inducer to cause the production the levansucrase by the bacterium resulting in the lysis of said bacterium.
  22. (WITHDRAWN) A method for counter selecting against a Gram-negative bacterium containing a recombinant nucleic acid construct that includes an inducible regulatory sequence other than sacR, operatively linked to a nucleotide sequence encoding a levansucrase comprising, introducing, in the presence of sucrose, a suitable inducer to cause the production of levansucrase by the bacterium resulting in the lysis of said bacterium.
  23. (WITHDRAWN) The method of claim 21, wherein said bacterium is a member of the genus *Agrobacterium*.
  24. (WITHDRAWN) The method of claim 23, wherein said bacterium is an *Agrobacterium tumefaciens* bacterium.
  25. (WITHDRAWN) The method of claim 21, wherein said regulatory sequence comprises the *E. coli* lactose operon (SEQ. ID. NO. 1).
  26. (WITHDRAWN) The method of claim 21, wherein said regulatory sequence comprises the Pi 2(noc) promoter (SEQ. ID. NO. 2) and noc 1 operon (SEQ. ID. NO. 2).
  27. (WITHDRAWN) The method of claim 21, wherein said regulatory sequence

- comprises the P<sub>BAD</sub> promoter (SEQ. ID. NO. 5) and the araC cis element (SEQ. ID. NO. 4).
28. (WITHDRAWN) The method of claim 21, wherein said sequence encoding a levansucrase is a sacB open reading frame.
  29. (WITHDRAWN) A vector comprising a recombinant nucleic acid construct containing an inducible regulatory sequence other than sacR, operatively linked to a nucleotide sequence encoding a levansucrase.
  30. (WITHDRAWN) The vector of claim 29, wherein said regulatory sequence comprises the *E. coli* lactose operon (SEQ. ID. NO. 1).
  31. (WITHDRAWN) The vector of claim 29, wherein said regulatory sequences comprises the Pi 2(noc) promoter (SEQ. ID. NO. 2) and noc 1 operon (SEQ. ID. NO. 2).
  32. (WITHDRAWN) The vector of claim 29, wherein said regulatory sequences comprises the P<sub>BAD</sub> promoter (SEQ. ID. NO. 5) and the araC cis element (SEQ. ID. NO. 4).
  33. (WITHDRAWN) The vector of claim 29, wherein said sequences encoding a levansucrase is a sacB open reading frame.
  34. (PREVIOUSLY PRESENTED) The Gram-negative bacterium of claim 1, wherein the regulatory sequence comprises the traCDG promoter (SEQ. ID. NO. 7) and the occ promoter (SEQ. ID. NO. 8).
  35. (ORIGINAL) The Gram-negative bacterium of claim 3, wherein the nucleotide sequence encoding a levansucrase contains a second copy of a sacB open reading frame.
  36. (WITHDRAWN) The recombinant nucleic acid construct of claim 9, wherein the regulatory sequence comprises the traCDG promoter (SEQ. ID. NO. 7) and the occ promoter (SEQ. ID. NO. 8).
  37. (WITHDRAWN) The recombinant nucleic acid construct of claim 13, wherein the nucleotide sequence encoding a levansucrase contains a second copy of a sacB open reading frame.
  38. (WITHDRAWN) The method of claim 14, wherein the regulatory sequence

comprises the traCDG promoter (SEQ. ID. NO. 7) and the occ promoter (SEQ. ID. NO. 8).

39. (WITHDRAWN) The method of claim 20, wherein the nucleotide sequence encoding a levansucrase contains a second copy of a sacB open reading frame.
40. (WITHDRAWN) The method of claim 21, wherein the regulatory sequence comprises the traCDG promoter (SEQ. ID. NO. 7) and the occ promoter (SEQ. ID. NO. 8).
41. (WITHDRAWN) The method of claim 28, wherein the nucleotide sequence encoding a levansucrase contains a second copy of a sacB open reading frame.
42. (WITHDRAWN) The vector of claim 29, wherein the regulatory sequence comprises the traCDG promoter (SEQ. ID. NO. 7) and the occ promoter (SEQ. ID. NO. 8).
43. (WITHDRAWN) The vector of claim 33, wherein the nucleotide sequence encoding a levansucrase contains a second copy of a sacB open reading frame.